

**Frederick County Ethics Commission**  
**Minutes for the Public Meeting of Wednesday, February 13, 2019**

Present:       Stephen K. Hess, Chair  
                  Ernest A. Heller, Vice-Chair  
                  Deidre R. Davidson, Commission Member  
                  Christopher D. Glass, Sr., Commission Member  
                  Deborah L. Lundahl, Commission Member  
                  Alan Shapiro, Commission Member  
                  Rev. Douglas P. Jones, Alternate Commission Member  
                  Linda B. Thall, Senior Assistant County Attorney

Absent:         M. Shane Canfield, Commission Member

The Frederick County Ethics Commission meeting started at 7:00 p.m. on February 13, 2019, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

**Approval of the minutes** – The draft minutes from the January 9, 2019 meeting were emailed to the members before the meeting.

**MOTION:**    Mr. Heller made a motion to approve the minutes. Rev. Jones seconded the motion, which was approved unanimously.

**Briefing on meeting with the County Executive** – On January 29, 2019, Mr. Hess, Mr. Heller and Ms. Davidson met with the County Executive and others to present the Commission's recommendation for mandatory ethics training for County officials and employees. Mr. Heller began by stating that the meeting went well and that the County Executive was very supportive of the Commission's recommendation. To start, the training will most likely be completed online and there will be a certification process to note each person's successful completion of the training. Mr. Hess advised the Commission that the training will need to be targeted to the audience taking the training and that there will be a need to develop questions and answers for different audience groups before the training takes place. Ms. Davidson indicated that the County Executive agreed that all County employees will be required to take the training. The County Executive is expected to ask the County's Human Resources Division and Division of Interagency Information Technologies to assist in developing and implementing the training program.

**Distribution of the Public Ethics Report** – The Commission members received the Public Ethics Report prepared by the County Executive's Office for the period starting on July 1, 2018 and ending on December 31, 2018. The members discussed the Public Ethics Law and the Commission's role and responsibilities under that law.

**Discussion of recommendation to the County Executive for inclusion in her legislative package** – Every year, the County Executive solicits recommendations from County boards and commissions for legislative proposals to include in her legislative package. The Ethics Commission schedules this agenda item annually in February or March in order to allow sufficient time for the Commission to identify areas where legislation might be needed.

Mr. Shapiro suggested amending the ex parte disclosure requirements of the Public Ethics Law to require more content about the nature of the ex parte communications. Mr. Heller took the position that it is not the role of the Ethics Commission to review the communications. Instead, the Ethics Commission's role is to hear complaints from the public when someone believes that there has been a failure to comply with the law's requirements. Rev. Jones asked how people would have access to the ex parte disclosures. The Commission was informed that the reports are posted on the County's website. Mr. Hess opposed expanding the disclosure requirements to require that additional information about the nature of the communication be provided to the Ethics Commission. Mr. Shapiro expressed concern that the Commission's receipt of the report could be construed as approval by the Commission. He suggested that it might be better if the Ethics Commission was not the recipient of the report. Rev. Jones raised the possibility of the Commission taking a closer look at a representative sampling of the disclosed communications. Mr. Heller opposed a change to the law. As a compromise, Mr. Glass stated that the Ethics Commission could ask for a synopsis of each ex parte communication. Mr. Hess said that another possibility would be to require the person disclosing the communication to indicate that the communication fell into one of the following categories: in favor of the pending land use application, against the pending land use application or requesting information about the pending land use application.

**MOTION:** Mr. Shapiro made a motion to have the Ethics Commission ask for legislation to amend the Public Ethics Law to remove the requirement that the Ethics Commission receive the report disclosing ex parte communications. Mr. Glass seconded the motion. Mr. Shapiro, Ms. Davidson and Mr. Glass voted in favor of the motion. Mr. Hess, Mr. Heller, Ms. Lundahl and Rev. Jones voted against the motion. The motion was not approved.

There were no other proposals for inclusion in the legislative package.

**Update on financial disclosure statement inquiries** – The Ethics Commission previously asked Ms. Thall to follow up on certain financial disclosure statements that were either incomplete or raised questions about potential conflicts of interest. Ms. Thall informed the Ethics Commission members of the results of her inquiries. The Commission found that no further action was required.

**Independent Ethics Commission Nominating Committee** – The terms of Mr. Glass, Mr. Shapiro and Rev. Jones will end on June 30, 2019. Mr. Heller advised the members that the Nominating Committee has scheduled a meeting for March 23, 2019 to consider

applicants who are interested in reappointment or appointment to the Ethics Commission. The Commission agreed that Mr. Heller should continue working with the Nominating Committee as the Ethics Commission's representative.

**Adjournment**

**MOTION:** Mr. Heller made a motion to adjourn the meeting. The motion was seconded by Mr. Glass and approved unanimously.

The Ethics Commission adjourned its meeting at approximately 7:55 p.m.

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/s/  
Linda B. Thall, Senior Assistant County Attorney